

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY MONTEZ FULGHAM,

Petitioner,

Case No. 17-cv-13151  
Hon. Matthew F. Leitman

v.

THOMAS WINN,

Respondent.

---

**ORDER GRANTING PETITIONER'S MOTION**  
**(ECF NO. 20) TO SUPPLEMENT HIS PETITION**

Petitioner Anthony Montez Fulgham filed a *pro se* petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. (*See* Pet., ECF No. 1.) The petition challenges Fulgham's convictions for second-degree murder, felon in possession of a firearm, and possession of a firearm during the commission of a felony. The first ground for relief alleges that the police failed to investigate, disclose, and analyze exculpatory physical evidence, including the clothes that Fulgham was wearing at his arrest. Detective Detrick Mott testified at trial that the clothing was destroyed in a flood that occurred at the Northeastern District of the Detroit Police Department. (*See* 1/28/14 Trial Tr. at 121, ECF No. 12-5, PageID. 589.)

Currently before the Court is Fulgham's motion to supplement his habeas petition with a letter from private investigator Scott Lewis. (*See* Mot., ECF No. 20.) In his letter, Investigator Lewis states that he has a contact who was working at the

Northeastern District during the time Fulgham described and that his contact did not recall a flood during that time. (*See id.*, PageID. 1286.) According to Fulgham, Investigator Lewis’s letter is newly discovered evidence that Detective Mott may have lied under oath when he testified at trial that the clothes collected for evidence were destroyed during a flood at the Northeastern District Police Station.

Under the Federal Rules of Civil Procedure, the Court may “permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). Further, “[t]he Court may permit supplementation even though the original pleading is defective in stating a claim or defense.” *Id.*

Accordingly, the Court will allow Fulgham to supplement his petition with the letter from private investigator Scott Lewis. For the present, the Court declines to grant Fulgham’s additional request to find “significant evidence that Detective Detrick Mott lied under oath about a flood at the Northeastern district . . . .” (Mot., ECF No. 20, PageID. 1284.)

**IT IS HEREBY ORDERED** that Fulgham’s motion to supplement his petition (ECF No. 20) is **GRANTED**.

**IT IS SO ORDERED.**

/s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 11, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 11, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764